

Remarks

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Claims Status

Claims 1, 5 and 7 have been amended. The independent claims are claims 1, 5 and 7, and the dependent claims are 2-4, 6 and 8-10.

Allowable Subject Matter

The Examiner has indicated that claims 5 and 7-9 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5 and 7 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8 and 9 depend from claim 7 and have not been amended because they now include all of the limitations of the base claim and any intervening claims because of their dependency from amended claim 7. Claims 5 and 7-9 are now in condition for allowance.

Claims Rejections – 35 U.S.C. § 102

Claims 1, 2 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent 4,056,107 to Todd et al. (hereinafter “Todd”).

The Examiner has stated that Todd discloses a plurality of crop transport units operatively assembled as a straw walker step; however, Todd’s transport units 16 are sieves or a “grain handling and cleaning mechanism” (see Col. 3, Lines 11) and correspond to Applicants’ cleaning device 24 (Fig. 1), not the transport unit as claimed by the Applicants. Further, Todd discloses a rotor 15 that works with a first crop transport device, located above the first fan 34, a second transport device and a rotary discharge beater 17 which directs the crop stream directly to the exhaust fan 42. Todd does not disclose crop transport units which convey crop streams in opposite directions as claimed by the Applicants. Todd does not have a crop through-gap as claimed by the Applicants, hence, the conveying problems resolved by the Applicants do not exist. Moreover, Todd discloses crop streams that contact each other because the crop through-gap does not exist, which causes turbulence or interference in the

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cleaning process. Further, Todd describes a device having an auxiliary air stream 35 generated between a curved member 36 and rotor 17 for supporting the conveying power of the exhaust fan 42. Todd discloses a construction and structure significantly different than that claimed by the Applicants. Moreover, the function performed by the device disclosed in Todd is significantly different from the function of the Applicants' device. Specifically, Todd discloses a device that lacks the auxiliary air stream to support movement of the crop streams to the rear of the device as claimed by the Applicants.

In significant contrast, the **Applicants' claim 1 now claims** an "agricultural machine having at least one crop processing work unit, **a plurality of crop transport units operatively assembled as a straw walker step, wherein the crop transport units convey crop streams in opposite directions and are spaced apart to define a crop through-gap**, and a cleaning device having a forced-draught fan before the cleaning device, further comprising: an exhaust fan located after the cleaning device, wherein the transport units are located between the forced-draught fan and the exhaust fan and the forced-draught fan produces **an air stream which is directed from the forced-draught fan to the exhaust fan in the area of the crop through-gap** and wherein the forced-draught fan creates **a second air stream to carry away light straw or chaff to a rear region of the agricultural machine for discharge**, thereby improving a cleaning process in the straw walker through-gap of the straw walker step." This claimed structure is significant because it avoids turbulence or interference in the material flow inside the agricultural machine. This greatly improves the air flow streams, hence, improves the cleaning as mentioned in the specification. (Page 2, Lines 5-11) For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention. M.P.E.P. § 706.02(a). Therefore, it is respectfully believed that claim 1 is distinguished over Todd. Significantly, the Applicants' claimed arrangements and functions are not disclosed by Todd; therefore, Todd does not anticipate claim 1.

Claims 1, 2 and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent 6,358,141 to Stukenholtz et al. (hereinafter “Stukenholtz”).

Stukenholtz discloses a combine having forced-draught fan 25, an exhaust fan 22 and a further auxiliary fan 33 to support the movement of the crop flow in the area between the forced-draught fan 25 of the cleaning device 25, 19, 26 and the chopper 22 or exhaust fan. In this design, one skilled in the art does not have to overcome crop conveying problems in the area between the crop transport units. The chopper 22 is covered by a housing in such that the chopper 22 cannot generate an air stream in the area between the crop transport units 24 and the crop transporting augers underneath the threshing cylinder 17.

In contrast, the **Applicants’ claim 1 now claims an “agricultural machine having at least one crop processing work unit, a plurality of crop transport units operatively assembled as a straw walker step, wherein the crop transport units convey crop streams in opposite directions and are spaced apart to define a crop through-gap, and a cleaning device having a forced-draught fan before the cleaning device, further comprising: an exhaust fan located after the cleaning device, wherein the transport units are located between the forced-draught fan and the exhaust fan and the forced-draught fan produces an air stream which is directed from the forced-draught fan to the exhaust fan in the area of the crop through-gap and wherein the forced-draught fan creates a second air stream to carry away light straw or chaff to a rear region of the agricultural machine for discharge, thereby improving a cleaning process in the straw walker through-gap of the straw walker step.”**

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention. M.P.E.P. § 706.02(a). Therefore, it is respectfully believed that claim 1 and its dependent claims are distinguished over Stukenholtz.

Claim Rejections – 35 U.S.C. § 102

Claims 1-4, 6 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent 5,586,033 to Hall (hereinafter “Hall”).

Hall discloses a straw spreader 44 which does not have a housing element. The straw spreader 44 cannot generate an air stream to support the crop movement inside the combine because the straw spreader 44 is not covered by a housing element which changes the ventilation power of the straw spreader 44 into a directed air stream. The forced-draught fan 50 of the cleaning device 48 alone must generate the air stream to transport the non-crop particles out of the combine.

Applicants’ claimed invention is significantly different from Hall. Specifically, Applicants claim, *inter alia*, an “agricultural machine . . . a cleaning device having a forced-draught fan before the cleaning device, further comprising: an exhaust fan located after the cleaning device, wherein the **transport units are located between the forced-draught fan and the exhaust fan and the forced-draught fan produces an air stream which is directed from the forced-draught fan to the exhaust fan in the area of the crop through-gap** and wherein the forced-draught fan creates a **second air stream to carry away light straw or chaff to a rear region of the agricultural machine for discharge . . .**”

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention. M.P.E.P. § 706.02(a). Therefore, it is respectfully believed that claim 1 and its dependent claims are distinguished over Hall.

Claim Rejections – 35 U.S.C. § 103

Claims 3, 4 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Todd or Stukenholtz in view of United States Patent No. 4,466,230 to Osselaere (hereinafter “Osselaere”).

Todd or Stukenholtz and Osselaere, alone or in combination, do not remotely teach or suggest the Applicants’ claimed combination of elements. For the reasons pointed out above with respect to Todd and Stukenholtz, the references do not contain the elements claimed by the Applicants. The Applicants’ invention is unique and not

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found in the references and does not come into being in hindsight. What is obvious is only that which can be deduced by the logical step-by-step reasoning process furnished by the prior art. It is an improper obviousness rejection, because there is no suggestion or expressed expectation of success in the prior art that would have led one to perform the experimentation in the first place.

Therefore, it is respectfully believed that claims 3, 4 and 6 are distinguished over the prior art.

In view of the above, it is submitted that this application is now in condition for allowance and an early notice of allowance is solicited.

Respectfully submitted,

  
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